IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

WP(C).No. 30602 of 2006(R)

PETITIONER:

SERVO PACKAGING LIMITED, 88/1,
CUDDALOREPONDY MAIN ROAD, KATTUKUPPAM,
MANAPET (POST), PONDICHERRY-607 402, INDIA,
REPRESENTED BY ITS DIRECTOR ARUN N. MENON.

BY ADV. SMT.T.S.MAYA (THIYADIL)
SMT. K.REENA

RESPONDENTS:
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1. UNION OF INDIA, REPRESENTED BY
FERTILIZER MINISTER, NEW DELHI.

2. CHAIRMAN & MANAGING DIRECTOR,
THE FERTILIZER AND CHEMICALS TRAVANCORE LTD.,
CORPORATE OFFICE, ELOOR, UDYOGAMANDAL,
KERALA.

BY ADV. SRI.A.M.SHAFFIQUE, SC FOR FACT

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EHIBITS:

EXT.P1: COPY OF THE PURCHASE ORDER ENTERED BETWEEN THE PETITIONER AND 2ND RESPONDENT DTD 2.3.2005.

EXT.P2: INSPECTION RELEASE CERTIFICATE ISSUED BY ENGINEERS OF FEDO DATED 23.2.2005.

EXT.P2(a): INSPECTION RELEASE CERTIFICATE ISSUED BY ENGINEERS OF FEDO DATED 23.3.2005.

EXT.P2(b): INSPECTION RELEASE CERTIFICATE ISSUED BY ENGINEERS OF FEDO DATED 14.4.2005.

EXT.P3: THE DECISION OF HIGH POWER COMMITTEE CONSTITUTED BY THE 2ND RESPONDENT DATED 1.11.2004.

EXT.P4: LETTER ISSUED BY M/S KAMAL METAL INDUSTRIES TO THE PETITIONER DATED 27.5.2005.

EXT.P5: LETTER ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 17.12.2005.

EXT.P5(a): LETTER ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 2.1.2006.

EXT.P5(b): LETTER ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 18.2.2006.

EXT.P5(c): LETTER ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 21.2.2006.

EXT.P5(d): LETTER ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 28.2.2006.

EXT.P5(e): LETTER ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 25.3.2006.

EXT.P5(f): LETTER ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 20.7.2006.

EXT.P6: THE RELEVANT PORTION OF THE WAIVED PURCHASE ORDER DTD.14.2.2006.

EXT.P7: MALAYALA MANORAMA DAILY DATED 10.11.2006.

EXT.P8: LETTER ISSUED BY THE 2ND RESPONDENT'S MANAGER UDL DIVISION TO THE PETITIONER DTD 14.8.06.

EXT.P8(a): LETTER ISSUED BY THE 2ND RESPONDENT'S MANAGER COACH DIVISION TO THE PETITIONER DTD.14.8.06.

EXT.P9: LETTER ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DTD 29.8.2006.

RESPONDENTS ANNEXURE:

ANNEXURE A: COPY OF THE LETTER DATED 14.8.2006 ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT.

ANNEXURE B: COPY OF THE LETTER DATED 21.07.2006 No.SPL/FACT/CD/06-07/98 ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT.

ANNEXURE C: COPY OF THE LETTER DATED 24.7.2006, No.MAT/RM/BAGS ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

ANNEXURE D: COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DATED 10.1.2007.

TRUE COPY

P.A.TO JUDGE

S.SIRI JAGAN,J

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W.P.(C).No.30602 of 2006

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Dated this the 23rd day of November, 2007

JUDGMENT

The learned counsel for the petitioner seeks permission to withdraw this writ petition without prejudice to the right of the petitioner to pursue arbitration proceedings in accordance with the agreement between the petitioner and the second respondent or to file a suit for damages if the petitioner is so entitled to. The learned counsel for the second respondent points out that the petitioner has already invoked the arbitration proceedings. In the above circumstances, the permission sought for is granted and the writ petition is dismissed as withdrawn with the above liberty.

S.SIRI JAGAN, JUDGE

dvs